

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #97-AP-1

The proposed annexation of
territory in **Lyon Charter Township**
to the **City of Wixom**.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of the proposed annexation of the following territory in Lyon Charter Township to the City of Wixom is described as follows:

Part of Section 12, T. 1 N., R. 7 E., Lyon Township, Oakland County, Michigan, beginning at the southeast corner of said section; thence N 88°50'40" W 2666.07' along the south section line to the south 1/4 corner of section 12; thence N 00°23'56" E 540.00'; thence S 89°53'16" W 1333.85'; thence N 00°27'59" E 2081.58' to a point on the east and west 1/4 line of section 12; thence N 00°45'17" E 740.20' to a point on the south right-of-way line of Grand River Avenue (100' wide); thence along said line S 70°53'12" E 4206.20' to a point on the east line of section 12 and the west boundary line of the City of Wixom also the west line of section 7, T. 1 N., R 8 E.; thence along said line S 00°09'08" W 1921.11' to the southwest corner of said section 7; thence continuing along the east line of section 12 S 00°09'08" W 114.42' to the point of beginning containing 229.98 acres and subject to easements and restrictions of record. Also subject to the rights of the public for Napier Road and Twelve Mile Road.

This matter came before State Boundary Commissioners VerBurg, Walker and Rutledge, and Oakland County Boundary Commissioners Cline and Gleisner for final adjudication in Lansing, on **March 5, 1998**. The Commission, being fully advised as to the positions of the respective parties, made its findings on said date.

SUMMARY OF PROCEEDINGS

- A.** On **January 23, 1997**, a petition was filed by Lyon Investment L.C., Gladys B. Hayes, and Richard and Maxine T. Brainer, property owners, asking for the annexation of a portion of Lyon Charter Township into the City of Wixom.
- B.** On **May 22, 1997**, an adjudicative meeting of the State Boundary Commission was held in Lansing to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.

- C. On **August 14, 1997**, a public hearing was held in the City of Wixom to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- D. On **November 25, 1997**, an adjudicative meeting of the State Boundary Commission was held in Lansing. The Commission ordered a supplemental public hearing for January 8, 1998.
- E. On **January 8, 1998** a supplemental public hearing was held in Lyon Charter Township to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- F. On **March 5, 1998**, an adjudicative meeting of the State Boundary Commission was held in Lansing to reach a decision based on the information received and a decision was made.

INFORMATION TO BE NOTICED

- 1. The Petitioners stated that annexation of the 229.98 acre parcel was desired because:
 - public water and sanitary sewer services were needed for development of the parcel.
 - it was doubtful that the Township would be able to finance and construct the water and sanitary sewer infrastructure needed for service to the parcel in a reasonable time frame.
- 2. The City supported the proposed annexation because the City has a sanitary sewer line and a water line within 55 feet of the area proposed for annexation and the Township's plans to provide these services were preliminary and not certain to be realized.
- 3. The Township opposed the proposed annexation because:
 - Plans and contractual agreements were in place for the Township to provide public water by the fall of 1998 and sanitary sewer service by December 1, 1998 to the area proposed for annexation.
- 4. The record shows that the Township and Park Place Environmental, Inc., signed a Sewage Disposal Facility Agreement, effective December 23, 1997, to construct a sewage disposal facility available for operation on or before December 1, 1998.
- 5. The record shows that the Township and the Petitioners signed a Utility Agreement, effective December 31, 1997, to provide public water to the area proposed for annexation by the end of 1998 and to provide sanitary sewage treatment services to the area by December 1, 1998.
- 6. The record shows that the Township and the Petitioners signed a stipulation on December 23, 1997, requesting the Commission to deny the annexation petition.

7. The City urged the Commission to postpone a decision on the petition until it was clear that the Township's contractual obligations to the petitioners to provide water and sanitary sewer services would be met.
8. The record shows that the Commission did not consider the question of whether the area proposed for annexation was exempt from annexation under the Charter Township Act because the Township and Petitioners signed a stipulation requesting denial of the annexation petition.

THE COMMISSION FINDS THAT

1. The Township and the Petitioners signed a Utility Agreement, effective December 31, 1997, to provide public water to the area proposed for annexation by the end of 1998 and to provide sanitary sewage treatment services to the area by December 1, 1998.
2. The Township and the Petitioners agreed to a stipulation on December 23, 1997 requesting the Commission to deny the annexation proposed in Docket #97-AP-1.

IN CONCLUSION, THE COMMISSION FINDS THAT

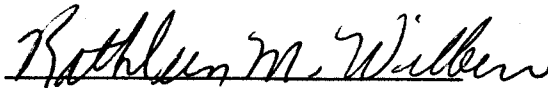
1. The Commission has considered the information contained in the record of this docket in terms of the matters to be considered as stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On **March 5, 1998** at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Rutledge and Walker and Oakland County Commissioners Cline and Gleisner voted to recommend denial of the annexation to the Director of the Department of Consumer & Industry Services.
3. On **April 9, 1998**, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg and Walker and Oakland County Boundary Commissioner Gleisner voted to recommend approval of the Draft Findings of Fact and Order, as amended, to the Director of the Department of Consumer & Industry Services.

ORDER

DOCKET #97-AP-1

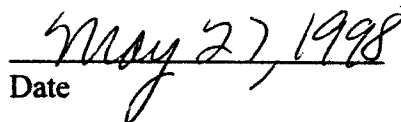
IT IS ORDERED THAT this order denying the annexation of certain territory in Lyon Charter Township into the Home Rule City of Wixom shall be final and effective **thirty days after the date signed by the Director of the Department of Consumer & Industry Services.**

IT IS FURTHER ORDERED THAT the Executive Director shall forthwith transmit a certified copy of these Findings of Fact and Order to the petitioners and to the clerks of the City of Wixom, Lyon Charter Township, and Oakland County.



Kathleen M. Wilbur, Director

Michigan Department of Consumer & Industry Services


Date